
By: **Delegates Bobo, C. Davis, Kaiser, and Murray**
Introduced and read first time: February 11, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Housing - Discrimination Based on Source of Income - Prohibitions**

3 FOR the purpose of altering the housing policy of the State to provide for fair housing
4 to all citizens regardless of source of income; establishing certain qualifications
5 and limitations on the general prohibition against discrimination in housing
6 based on source of income; making it unlawful to refuse to sell or rent a dwelling
7 to any person because of source of income; making it unlawful to discriminate
8 against any person in the terms, conditions, or privileges of sale or rental of a
9 dwelling because of source of income; making it unlawful for a person whose
10 business includes engaging in residential real estate transactions to
11 discriminate against any person in making available a transaction because of
12 source of income; making it unlawful, by force or threat of force, to willfully
13 injure, intimidate, or interfere with any person because of source of income and
14 because the person is negotiating for the sale or rental of any dwelling or
15 participating in any service relating to the business of selling or renting
16 dwellings; defining a certain term; and generally relating to prohibitions against
17 discrimination in housing based on source of income.

18 BY repealing and reenacting, with amendments,
19 Article 49B - Human Relations Commission
20 Section 19(a), 20(t), 22(a), 23, and 37
21 Annotated Code of Maryland
22 (2003 Replacement Volume)

23 BY repealing and reenacting, without amendments,
24 Article 49B - Human Relations Commission
25 Section 20(a)
26 Annotated Code of Maryland
27 (2003 Replacement Volume)

28 BY adding to
29 Article 49B - Human Relations Commission
30 Section 20(v) and 21(k)
31 Annotated Code of Maryland

1 (2003 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 49B - Human Relations Commission**

5 19.

6 (a) It is the policy of the State of Maryland to provide for fair housing
7 throughout the State of Maryland, to all its citizens, regardless of race, color, religion,
8 sex, familial status, national origin, marital status, sexual orientation, [or disability]
9 DISABILITY, OR SOURCE OF INCOME; and to that end to prohibit discriminatory
10 practices with respect to residential housing by any person or group of persons, in
11 order that the peace, health, safety, prosperity and general welfare of all the
12 inhabitants of the State may be protected and insured.

13 20.

14 (a) In this subtitle the following words have the meanings indicated.

15 (t) "Restrictive covenants" means any specification limiting the transfer,
16 rental, or lease of any dwelling because of race, color, religion, marital status, sexual
17 orientation, sex, familial status, disability, [or] national [origin] ORIGIN, OR SOURCE
18 OF INCOME.

19 (V) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY PAID
20 DIRECTLY OR INDIRECTLY TO A RENTER OR BUYER OF HOUSING, INCLUDING:

21 (1) ANY LAWFUL PROFESSION OR OCCUPATION;

22 (2) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR
23 RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE
24 CERTIFICATES AND VOUCHERS UNDER THE U. S. HOUSING ACT OF 1937, 42 U. S. C. §
25 1437F;

26 (3) ANY GIFT, INHERITANCE, PENSION, ANNUITY, ALIMONY, CHILD
27 SUPPORT, OR OTHER CONSIDERATION OR BENEFIT; AND

28 (4) ANY SALE OR PLEDGE OF PROPERTY OR INTEREST IN PROPERTY.

29 21.

30 (K) (1) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION
31 BASED ON SOURCE OF INCOME DO NOT PROHIBIT A PERSON FROM DETERMINING
32 THE ABILITY OF A POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY
33 RENT BY:

34 (I) VERIFYING, IN A COMMERCIALY REASONABLE MANNER, THE
35 SOURCE AND AMOUNT OF INCOME OF THE POTENTIAL BUYER OR RENTER; OR

1 (II) EVALUATING, IN A COMMERCIALY REASONABLE MANNER,
2 THE STABILITY, SECURITY, AND CREDIT WORTHINESS OF THE POTENTIAL BUYER OR
3 RENTER OR ANY SOURCE OF INCOME OF THE POTENTIAL BUYER OR RENTER.

4 (2) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION
5 BASED ON SOURCE OF INCOME DO NOT PREVENT A PERSON FROM REFUSING TO
6 CONSIDER INCOME DERIVED FROM ANY CRIMINAL ACTIVITY.

7 (3) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION
8 BASED ON SOURCE OF INCOME DO NOT APPLY TO A LANDLORD WHO OWNS FOUR OR
9 FEWER RENTAL UNITS IN THE STATE.

10 (4) (I) IN THIS PARAGRAPH, "ASSISTED RENTAL HOUSING
11 DEVELOPMENT" MEANS A DEVELOPMENT CONSISTING OF FOUR OR MORE
12 CONTIGUOUS RENTAL DWELLING UNITS IN WHICH 20% OR MORE OF THE DWELLING
13 UNITS ARE RENTED OR MUST BE MADE AVAILABLE FOR RENT TO HOUSEHOLDS OF
14 LOW INCOME UNDER A FEDERAL, STATE, OR LOCAL GOVERNMENT HOUSING
15 ASSISTANCE PROGRAM.

16 (II) THE PROHIBITIONS IN THIS SUBTITLE AGAINST
17 DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT APPLY TO AN ASSISTED
18 RENTAL HOUSING DEVELOPMENT.

19 22.

20 (a) Except as provided in § 21 of this subtitle, it is unlawful:

21 (1) To refuse to sell or rent after the making of a bona fide offer, or to
22 refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a
23 dwelling to any person because of race, color, religion, sex, disability, marital status,
24 familial status, sexual orientation, [or] national [origin] ORIGIN, OR SOURCE OF
25 INCOME;

26 (2) To discriminate against any person in the terms, conditions, or
27 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
28 connection with the sale or rental of a dwelling, because of race, color, religion, sex,
29 disability, marital status, familial status, sexual orientation, [or] national [origin]
30 ORIGIN, OR SOURCE OF INCOME;

31 (3) To make, print, or publish, or cause to be made, printed, or published
32 any notice, statement, or advertisement, with respect to the sale or rental of a
33 dwelling that indicates any preference, limitation, or discrimination based on race,
34 color, religion, sex, disability, marital status, familial status, sexual orientation, [or]
35 national [origin] ORIGIN, OR SOURCE OF INCOME, or an intention to make any
36 preference, limitation, or discrimination;

37 (4) To represent to any person because of race, color, religion, sex,
38 disability, marital status, familial status, sexual orientation, [or] national [origin]
39 ORIGIN, OR SOURCE OF INCOME that any dwelling is not available for inspection, sale,
40 or rental when the dwelling is in fact available;

1 (5) For profit, to induce or attempt to induce any person to sell or rent
2 any dwelling by representations regarding the entry or prospective entry into the
3 neighborhood of a person or persons of a particular race, color, religion, sex, disability,
4 marital status, familial status, sexual orientation, [or] national [origin] ORIGIN, OR
5 SOURCE OF INCOME;

6 (6) To discriminate in the sale or rental, or otherwise make unavailable
7 or deny, a dwelling to any buyer or renter because of a disability of:

8 (i) The buyer or renter; or

9 (ii) A person residing in or intending to reside in the dwelling after
10 it is so sold, rented, or made available;

11 (7) To discriminate against any person in the terms, conditions, or
12 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
13 connection with the dwelling, because of a disability of:

14 (i) The person; or

15 (ii) A person residing in or intending to reside in the dwelling after
16 it is so sold, rented, or made available;

17 (8) To refuse to permit, at the expense of the person with a disability,
18 reasonable modifications of existing premises occupied or to be occupied by the
19 individual if:

20 (i) The modifications may be necessary to afford the person with a
21 disability full enjoyment of the dwelling; and

22 (ii) For a rental dwelling, the tenant agrees, at the tenant's
23 expense, to restore, reasonable wear and tear excepted, the interior of the dwelling to
24 the condition that existed before the modification on vacating the dwelling;

25 (9) To refuse to make reasonable accommodations in rules, policies,
26 practices, or services when the accommodations may be necessary to afford an
27 individual with a disability equal opportunity to use and enjoy a dwelling; or

28 (10) To fail to design or construct a covered multifamily dwelling for first
29 occupancy as required under subsection (b) of this section.

30 23.

31 (a) (1) It is unlawful for any person or other entity whose business includes
32 engaging in residential real estate related transactions to discriminate against any
33 person in making available a transaction, or in the terms or conditions of a
34 transaction, because of race, color, religion, sex, disability, marital status, familial
35 status, sexual orientation, [or] national [origin] ORIGIN, OR SOURCE OF INCOME.

1 (2) Nothing in paragraph (1) of this subsection prohibits a person
2 engaged in the business of furnishing appraisals of real property to take into
3 consideration factors other than race, color, religion, national origin, sex, disability,
4 marital status, sexual orientation, [or] familial [status] STATUS, OR SOURCE OF
5 INCOME.

6 (b) It is unlawful, because of race, color, religion, sex, disability, marital
7 status, familial status, sexual orientation, [or] national [origin] ORIGIN, OR SOURCE
8 OF INCOME, to deny a person access to or membership or participation in a
9 multiple-listing service, real estate brokers' organization or other service,
10 organization, or facility relating to the business of selling or renting dwellings, or to
11 discriminate against a person in the terms or conditions of membership or
12 participation.

13 37.

14 (a) Whether or not acting under color of law it is unlawful for any person, by
15 force or threat of force, to willfully injure, intimidate, interfere with, or attempt to
16 injure, intimidate, or interfere with:

17 (1) Any person because of race, color, religion, sex, disability, marital
18 status, familial status, sexual orientation, [or] national [origin] ORIGIN, OR SOURCE
19 OF INCOME and because the person is or has been:

20 (i) Selling, purchasing, renting, financing, occupying, or
21 contracting or negotiating for the sale, purchase, rental, financing, or occupation of
22 any dwelling; or

23 (ii) Applying for or participating in any service, organization, or
24 facility relating to the business of selling or renting dwellings;

25 (2) Any person because the person is or has been, or in order to
26 intimidate the person or any other person or any class of persons from:

27 (i) Participating without discrimination on account of race, color,
28 religion, sex, disability, marital status, familial status, sexual orientation, [or]
29 national [origin] ORIGIN, OR SOURCE OF INCOME in any of the activities, services,
30 organizations, or facilities described in paragraph (1) of this subsection; or

31 (ii) Affording another person or class of persons the opportunity or
32 protection to participate in any of the activities, services, organizations or facilities
33 described in paragraph (1) of this subsection; or

34 (3) Any person because the person is or has been, or in order to
35 discourage the person or any other person from:

36 (i) Lawfully aiding or encouraging other persons to participate,
37 without discrimination on account of race, color, religion, sex, disability, marital
38 status, familial status, sexual orientation, [or] national [origin] ORIGIN, OR SOURCE

1 OF INCOME, in any of the activities, services, organizations, or facilities described in
2 paragraph (1) of this subsection; or

3 (ii) Participating lawfully in speech or peaceful assembly opposing
4 any denial of the opportunity to participate in any of the activities, services,
5 organizations or facilities described in paragraph (1) of this subsection.

6 (b) (1) Except as provided in paragraph (2) of this subsection, any person
7 who is convicted of violating subsection (a) of this section shall be fined not more than
8 \$1,000 or imprisoned not more than 1 year or both.

9 (2) A person who is convicted of violating subsection (a) of this section
10 shall be:

11 (i) If the violation results in bodily injury, fined not more than
12 \$10,000 or imprisoned not more than 10 years or both; or

13 (ii) If the violation results in death, subject to imprisonment for any
14 term of years or for life.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 2004.